



PRISON GOVERNORS'
ASSOCIATION

Submission to the Prison Service Pay Review Body

2015-2016

Introduction

Once again this has been a very difficult year for members of the Prison Governors' Association (PGA) and their colleagues working in custodial settings across the United Kingdom. Continuing reductions in staff as "benchmark" targets are driven for, increasing numbers of more violent, challenging prisoners and further reforms to be managed to completion have combined to present the most challenging operational environment most of the membership have ever faced. Increasing centralisation of decision making and resource management restricts the ability of our members to respond quickly to the rapidly changing challenges they face locally in terms of the prisoner population, recruitment and retention of staff and budgetary control, leaving them powerless to control and influence their own working environments, yet still held accountable and responsible for total performance. The number of violent incidents has increased massively during the course of this year, a factor we believe is driven by a larger number of younger prisoners serving longer sentences, more disposed to resort to violence when experiencing frustration, locked up for longer because of staffing shortfalls and the commensurate effect that has on the prison regime and often under the influence of New Psychoactive Substances (or "lethal highs" as they were recently termed by the Prisons Minister). Reducing numbers of both Unified staff and Operational Managers exacerbate these issues, greatly increasing the workload and pressures experienced by all prison staff.

Against this backdrop, the PGA membership has once again demonstrated its ability to manage exceptionally well. In comparison with other staff, we work longer hours, perform to a higher standard and are absent on sick leave far less. The Prison Service Pay Review Body (PSPRB) has often asked the PGA to produce evidence of the hours that its membership work, their level of motivation and morale and other, associated factors. This year, we are pleased to say that we are able to submit, as an appendix to our core evidence, the results of an academic survey of our membership conducted by Keele University that examines the workload, stress levels and ability of our members to achieve work-life balance. Some of the results make sobering reading. It should be noted that in contrast to NOMS staff surveys that are addressed to and completed by all staff in all grades, the PGA survey was completed solely by the staff in your remit group.

In terms of comparator pay, it is staggering to report to the PSPRB that certain Senior Operational Manager grades in NOMS receive **37% less in terms of total reward package than their comparator grades in the private sector prisons**. We will return to this issue in the body of our evidence.

Finally, in terms of introduction, it is worthy to note that the PGA has reached agreement with the National Offender Management Service (NOMS) on a substantial part of this year's evidence. Following the 2015 NOMS – PGA agreement, signed in April of this year, both parties undertook to work together to see if there were areas of common ground between them that would enable a joint submission to be made to the PSPRB. There were, and the joint submission on areas where we reached mutual agreement is included in this document. Unfortunately, and despite the PGA being the Trade Union that represents almost 100% of the most senior staff in NOMS' establishments, NOMS felt unable to share with us any more of their intended submission to the PSPRB. We felt that there may well have been other areas of potential agreement, but the opportunity has passed for this year. We hope it will return next year.

Overview of the current operational position

We believe it will be helpful in supporting our evidence for the PSPRB to be presented with our view of the current state of our prisons as they are, after all, the working environment for the vast majority of the staff we represent. By March 2015, the prison population in public sector prisons had grown to 71,850 and, according to the data provided to us by the Office of Manpower Economics, there are 960 Operational and Senior Operational Managers. This provides a prisoner to manager ratio of 75:1. This is, we believe, the highest ratio that has ever been experienced, being 5 prisoners per manager higher than last year's previous record. The growth in this ratio is reflected by that for the overall Operational Staff figure of 3.61 prisoners for every member of staff. This remains 34% higher than the figure of 5 years ago and 76% bigger than 10 years ago.

During the last twelve months the prison population has once again reached record levels, hitting 86,145 in October 2015. There were announcements of further prison closures in October 2015, Dover's population being relocated and the property returned to NOMS and Blantyre House being "mothballed" for a further 12 months at least. Coupled together, the rapidly rising population and the rapid reduction in the numbers of available staff and prisons have resulted in a highly pressured situation leaving NOMS endeavouring to house the record numbers of prisoners in a smaller amount of accommodation whilst attempting to continue the drive to reduce the rate of recidivism. Many recent inspection reports have commented eloquently on the standard of imprisonment that has resulted. Individual prisons and, by extension, their Governors, have been severely and publically criticised for their performance in a world where shrinking resources makes very many of the issues beyond their control.

During this financial year NOMS' target staffing figure remains much higher than its actual staff in post figure. There has been a push to recruit into this shortfall, but it takes approximately 27 weeks to recruit and train these new staff so, once again, successful resolution is unlikely during this financial year. NOMS has also attempted to ameliorate this difficulty by recruiting recently retired staff to an agency basis in an attempt to provide cover. The efficacy of this arrangement remains in doubt. Against this background, NOMS has continued to drive forward many fundamental changes to the way it operates, but all of this is being pursued against a serious shortage of staff at all grades, thus greatly increasing the pressure on all staff. As last year, Governors of all grades are routinely being asked to cover Prison Officers' duties, even appearing on the detail in lieu of officers. Governors are performing bed watches, staffing visits and segregation units, running Muslim prayers and

other religious services as well as serving meals. This is not unheard of in short, emergency situations, such as the taking of Industrial action by staff, but the sustained period and amount of this cover being required in order to meet the basic regime requirements are unprecedented. It is important to point out that, whilst these additional duties are being carried out by our members, their own functional work does not stop, resulting in an increased workload. This has now been the “norm” for over 12 months.

NOMS has instructed 17 large, complex prisons to run restricted regimes, where prisoners are unlocked infrequently and spend long periods incarcerated in their cells. Only the basics of a regime are delivered. This situation has been in place over 12 months and is expected to continue into next year.

Unsurprisingly, prisoners are not happy with limited regimes, less activity, less work and less association. The planned restricted regimes implemented by NOMS bring some desirable predictability to the prisons, but unplanned staff shortages, sick absence and local concerns about staff health and safety (all exacerbated by lowered morale and commitment) cause prisoner disquiet which has resulted in rising levels of incidents of violence and resistance to the rule of law and order. The frequency with which the Gold Command suite is being opened to deal with serious incidents is rising by the month, again to unprecedented levels. This situation is worsened by an increasing frequency of prisoners being discovered under the influence of New Psychoactive Substances (NPS), or “lethal highs” as the Prisons Minister described them at the PGA Annual Conference in October 2015. These drugs are prevalent in our workplace and result in many prisoners being extremely violent towards other prisoners and staff, totally losing any inhibitions and becoming very difficult to restrain and subsequently manage safely. Many prisoners suffer life threatening medical reactions to using NPS and require urgent hospitalisation, adding to the already high operational pressures felt in a prison. It is too early to tell if the training of drug detection dogs will have an impact in this area but, in any event, would require an increase in their numbers. The impact of NPS cannot be under-estimated.

Finally, it is important to note that deaths in prison custody are increasing. These sad events result in great emotional trauma for staff of all grades, particularly those who are involved for long periods in resuscitation attempts. It is, however, our members who have to manage the aftermath of such events, informing the deceased’s family, supporting staff and prisoners through the immediate period after the death, dealing with headquarters, media and ministerial questioning, being placed under increased managerial scrutiny, preparing and

attending police and NOMS inquiries and finally attending the inquest (which, on occasions, can take place years after the death).

In these operational circumstances, it is the governor grades' role to show leadership and to govern their prisons, exemplifying fortitude, robustness and a great deal of innovative pragmatism. Staff engagement becomes even more important than in quieter times, explaining to junior colleagues why basic standards must be maintained and ensuring they are maintained.

Such work in such an environment is not without cost. Assaults on governors are on the increase, both in frequency and seriousness. This year we have had members taken hostage in their own prisons. Colleagues are suffering stress at higher levels than previously experienced and those who are coping are having to work extremely long, unpaid hours in order to sustain their responsibility to the employer and to the public and other stakeholders. This issue is developed below in the section on the PGA membership survey.

Governors are managing NOMS demands for change on a huge scale. The introduction of "Fair and Sustainable" structures and associated pay scales, the "Benchmarking" programme, the reconfiguration of the estate, Through the Gate implementation and the privatisation of both the Estates functions and a large proportion of the National Probation service.

Additionally, we now face the task of reforming the Prison Service as directed by the Secretary of State for Justice, though currently the exact detail of this fundamental reform is unpublished. Such changes are complex, demanding engagement from all levels represented by our union, and they place additional responsibility and workload on our membership.

Three years ago, there were between 1400 and 1500 staff in the grades we represent. This year, there are 960 according to the Office of Manpower & Economics' statistics.

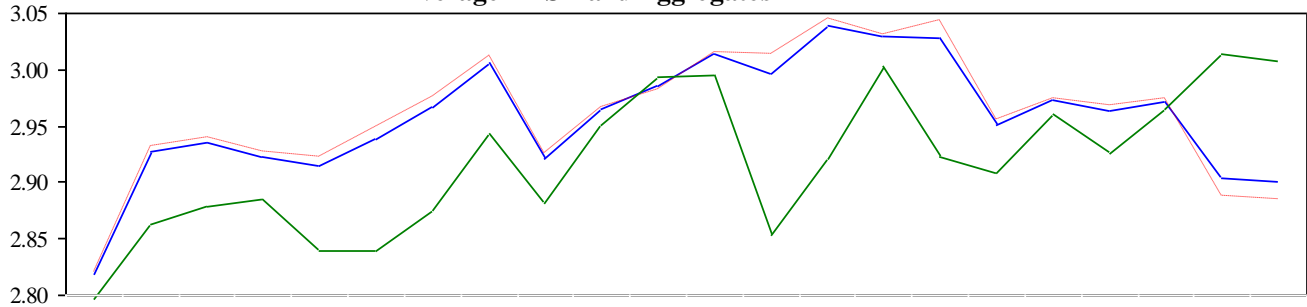
"Benchmarking" has resulted in the large-scale reduction of staff, primarily of prison officers, but also of middle managers, a change which has again increased the workload. Of major concern is the reduction in the number of experienced uniformed staff who are replaced by inexperienced colleagues, a process which increases the need for governors to not only perform the roles traditionally associated with these grades, but also to train and develop their replacements "on the hoof". In times of operational need there are less able and experienced uniformed colleagues to assist. The current and planned further reductions in the number of managerial grades in each establishment will increase the spans of control imposed on our members and once again require the performance of unpaid hours in order for the establishments to simply maintain their basic regimes.

We have twice mentioned our colleagues feeling operationally (and often managerially) pressured into working unpaid hours. This refers to the additional hours that members are working in excess of their conditioned 37 hours a week simply to make things happen. There is a misconception that the payment of Required Hours Addition (RHA) is payment for hours worked beyond the conditioned hours, some kind of “overtime”, but this is not the case. RHA is defined in PSI 26 of 2013 - “RHA was introduced as a part of the restructure of management pay and grading in 2001. It was intended as a payment to those in management roles which require the incumbent to regularly undertake duties during unsociable hours. ”Unsocial hours” are defined as: those hours outside 7am to 7pm Monday to Friday, or the hours for which an individual is on call to attend for operational or other duties outside of their normal duty hours”. This year, we have produced a joint submission with NOMS on this element of pay.

It is worthy of note that the scenarios above, particularly the issues with staffing availability, appertain only to the public sector. Our members in the private sector do not have to contend with “benchmarking” or similar initiatives and, as a consequence of having the luxury of ring-fenced financial contracts, have no issues with managing staff shortfalls and budgetary reductions, or “efficiency savings”, imposed by Government. **It is remarkable to report, therefore, that some of our private sector colleagues’ total reward package exceed our own by up to 37%.** We will return to this later.

As a result of this resourcing issues, there is a growing disparity between not only the performance of private and public sector prisons but also the levels of pressure being experienced by their Senior Management Teams. In the public sector, **61% of governor grades reported to the PGA survey that they had suffered stress related mental health issues.** Private sector prisons are paid additional funds if they exceed their normal prisoner numbers, enabling them to resource their staff groups accordingly, either through additional overtime payments or longer term recruitment. This is starting to manifest itself in the performance of the prisons in comparative terms. The following graph indicates the average Prison Rating System scores for the public and private sector prisons over time. Ironically, the measures introduced to improve NOMS ability to compete with the private sector as a provider are beginning to damage the performance of their existing prisons.

Average PRS Band Aggregates



	Q1 09/10	Q2 09/10	Q3 09/10	Q4 09/10	Q1 10/11	Q2 10/11	Q3 10/11	Q4 10/11	Q1 11/12	Q2 11/12	Q3 11/12	Q4 11/12	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13	Q1 13/14	Q2 13/14	Q3 13/14	Q4 13/14	Q1 14/15	July 14/15
All	2.82	2.93	2.93	2.92	2.91	2.94	2.97	3.01	2.92	2.97	2.98	3.01	3.00	3.04	3.03	3.03	2.95	2.97	2.96	2.97	2.90	2.90
Public	2.82	2.93	2.94	2.93	2.92	2.95	2.98	3.01	2.93	2.97	2.98	3.01	3.01	3.05	3.03	3.04	2.96	2.97	2.97	2.97	2.89	2.89
Contracted	2.80	2.86	2.88	2.89	2.84	2.84	2.87	2.94	2.88	2.95	2.99	2.99	2.85	2.92	3.00	2.92	2.91	2.96	2.93	2.96	3.01	3.01

The membership survey, summer 2015.

During the late summer of 2015 the membership were invited to participate in an academic survey conducted by Keele University into workload, stress levels and work-life balance. There were 421 respondents, which represents 44% of the Operational and Senior Operational Managers identified by NOMS in their statistical submission to this year's PSPRB. The completed report has been included with our evidence as an annex. The headline findings were as follows:-

Working hours and workload

- 41.3% of PGA members work, on average in excess of 48 hours per week; 98.5% work in excess of contractual hours (37 hours per week);
- The main reasons for working such long hours is to keep on top of workload (94.5%) and because it has become expected (60.1%);
- Over half of all members (53.1%) have seen their working hours increase in the last year;
- Increases in working hours reflect increases in workload with over four fifths (81.9%) of members claiming that their workload has increased in the last year;
- The main reasons for this are new working practices (65.8%) and reductions in staffing (59.9%);
- Around half the members surveyed do not believe their workload is planned and under control (50.2%) or they control the extent that work imposes on their life (49.2%); two fifths (42.7%) want to gain more control over their hours but are unable to do so

The impact of workload

While PGA members demonstrate a high commitment to their work and find it rewarding, there are a negative repercussions of increased working time and workload:

- One fifth (21.1%) have received medical advice to reduce their hours and two fifths (42.5%) are considering changing jobs if conditions remained the same;

- Around one third of members (30.4%) frequently do not take their annual leave or cut it short
- Two fifths of members (42.3%) claim that frequently they do not see their family enough, while working hours and workload have also frequently had a detrimental effect on relationships with members' partners (22.3%) and children (16.4%).
- Around one fifth (19.2%) of members experience stress at work 75% or more of the time, with the figure rising to 46.3% of members experiencing it over half the time at work;
- As a result, 61% of members claimed they have suffered stress-related ill health and 38.0% had taken sick leave in the last two years due to stress;
- While 13.1% of members had experienced sickness monitoring procedures, unfortunately three fifths (60.1%) did not believe that their employer had helped them cope with stress.

The work-life balance

- Around one third of PGA members (32.5%) find it almost impossible to secure a positive work-life balance any of the time; while the vast majority (89.1%) experience difficulties some of the time;
- Regrettably the availability and usefulness of many potential policies to address work-life balanced are questioned by PGA members, with over one quarter (28.5%) claiming that asking for such policies would harm their career and 12.1% stating they are too frightened to ask their management;
- However, a majority of members (59.3%) state that their employers are usually sympathetic when they need to reschedule work around caring and family responsibilities.

Addressing working time, workload and the work-life balance

When asked what policy changes they would like to see to address the problems associated with increased working hours and workload:

- The vast majority agreed more resources and staffing (89.5%) as well as less cost cutting (88.3%) would lead to the biggest improvements at work;
- Over three quarters identified methods to address workload and work-life balance including: being able to control their own workload (76.2%) and more positive attitudes to managing workload issues (75.1%); and having more time to spend with family (85.1%)
- Options to work from home (58.4%). more flexible working (65.3%), better planning of workload (55.6%); better training in technology (58.7%) and improved support services (53.7%) were other policies with which PGA members identified strongly;
- A large majority of members also believed they should be compensated for the increased working time and workload through higher pay levels (76.1%) and better promotion prospects (56.6%).

Commentary on the PGA survey can be found in the body of the report itself. Suffice to say here that too many of our colleagues work too many hours in an environment that has caused nearly two-thirds of them to have suffered from a stress related mental health problem and left two-fifths of them looking for alternative employment.

Overall Pay Strategy

The results of last year's PSPRB made very clear the Board's intention to assist NOMS in delivering its policy objective of driving staff onto the new terms and conditions associated with Fair and Sustainable, there being absolutely nothing in the settlement for staff in the closed grades. This was particularly hard for staff on the maxima of their pay rates in the old closed grades who, in many cases, had not had a pay rise for many years. Strangely, NOMS recognised this issue and, outside of and separate from the PSPRB, negotiated a bonus payment for these staff with the trade unions representing them in April 2015, resulting in a limited, one-off pay award for the very staff group that the PSPRB had not rewarded. The fact that the employer felt the need to make this settlement is important. This year is no different and the decision whether or not the PSPRB makes any award to the closed grade staff is fundamental to the whole process.

The PGA would contend that it is necessary to consider its members in the closed grades as falling into one of three categories. Firstly, there are those staff who, despite being aware that they would be financially better off if they opted in to "Fair and Sustainable" (F&S), refuse to do so for their own personal reasons. Secondly, there are many of our members who are still progressing through the pay increments on the closed grade pay scales and to whom opting in to F&S would be financially detrimental until they have reached the pay scale maximum for their grade. The third group is those of our members who cannot opt in as they are in receipt of local pay allowances, the loss of which on F&S conditions would result in a much reduced take home pay. The PGA believes that this last group of staff are simply victims of being in the wrong place at the wrong time in terms of pay policy. They were posted to their jobs (and, consequently, to their locations) by NOMS and rewarded with pay and allowances that were at the time commensurate with national policy. To subsequently treat them in terms of pay as some kind of rebellious, reluctant "refusniks" is unjust and unwarranted. The number of PGA members in this category is, according to NOMS data, just over 100, and the PGA suggests that this group of staff should receive a pay award this year.

We expect that the PSPRB will endeavour to do as the employer wishes and not give any pay award to the closed grade staff, despite a similar decision last year resulting in NOMS having to fund a bonus award to these grades to retain operational stability. Should this be the case, the PGA would like to see its membership rewarded by an increase of basic pay, a

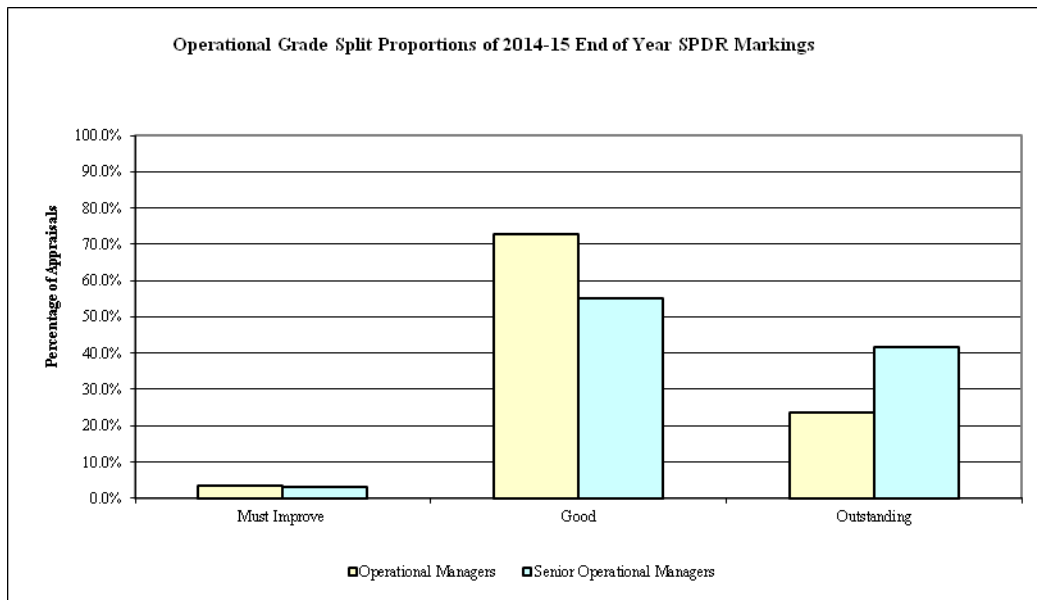
continuation of the 4% performance pay awards of previous years and an increase in RHA as addressed in our joint submission with NOMS in the next section.

Basic Pay

The majority of our members have opted in to F&S and, as mentioned above, outperform other grades of staff in performance terms, work longer hours and take less sick leave per person.

Performance

The graph below illustrates the performance of the grades we represented in 2014-5 in terms of SPDR markings (source NOMS Performance Management metrics and measures 2015).



Despite the pressures on our colleagues mentioned in the introduction, over 96% of our membership are still performing at “good” or “outstanding” level, a performance which is staggering given the level of disenchantment with the work, the workload and the working

environment illustrated by the staff survey. What would happen if staff of this calibre were highly motivated?

Hours worked

The PGA staff survey has finally captured the statistical data that we have only been able to share anecdotally with the PSPRB in recent years. 41.3% of PGA members work, on average, in excess of 48 hours per week and 98.5% work in excess of contractual hours (37 hours per week). These hours are worked simply in order to ensure that the work is done. These hours are wholly unrewarded. (A reminder here that Required Hours Allowance is paid to qualifying operational staff in reward for flexible and anti-social attendance and for remaining “on-call” for long hours whilst ostensibly “off duty” – it is not a payment for “working all hours”).

Sick Absence

The nature of sick leave amongst the staff that we represent will be discussed elsewhere, but in terms of productivity in an industry beset by amongst the worst attendance records in public service, the average number of working days lost per person through sick absence in operational and senior operational managers in 2014-5 was 4.7 days. In contrast, the corresponding figure for custodial managers was 6.6 days, for senior and supervising officers 13.1 days, for Prison Officers 13.4 days, for Operational Support Grades 10.9 days and for all other staff 10.1 days.

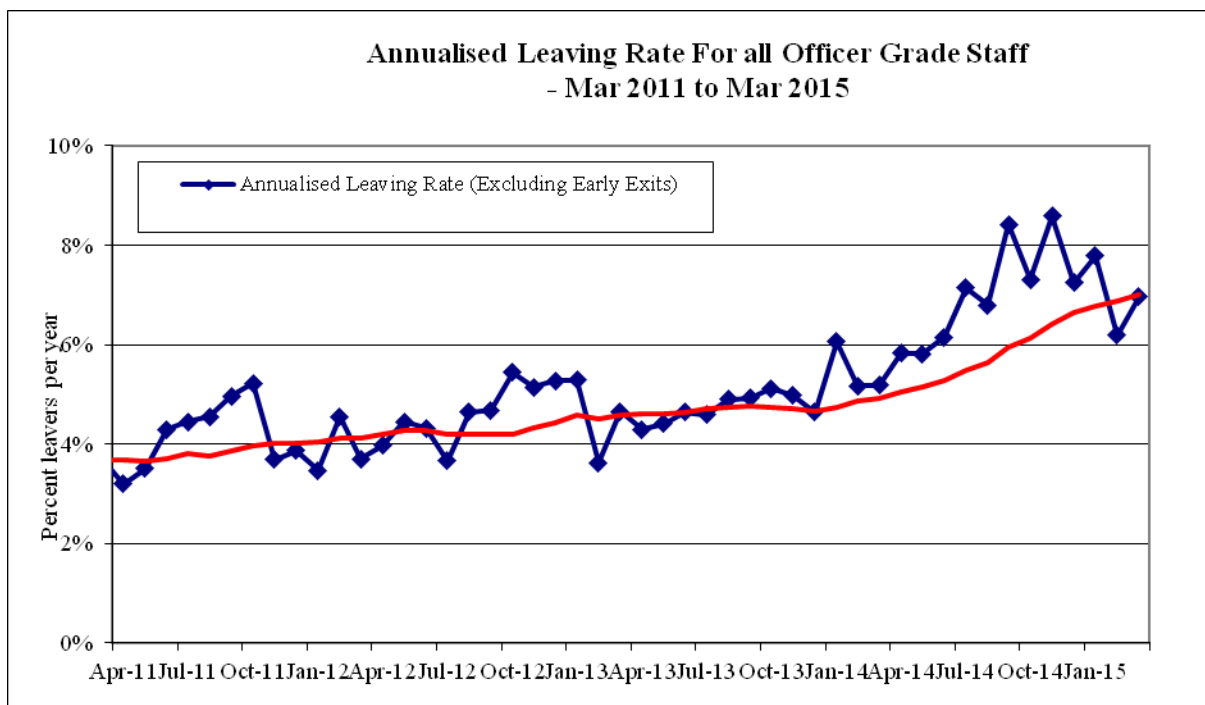
Other factors supporting a pay increase for PGA members

PGA members work longer, work better and take less sick absence but are there any other reasons why they should receive a favourable pay award in 2016?

Recruitment and Retention

In last year’s submission to the PSPRB the PGA illustrated issues of recruitment and retention for both Prison Officers and Operational and Senior Operational Managers.

These issues remain. Whilst acknowledging the pace with which NOMS has attempted to recruit the 1700 staff discussed last year, it is important to acknowledge too the high rate of attrition that resulted in net losses of staff in 2014-5. The figures NOMS provided to the PSPRB this year illustrate a growth in the annualised leaving rate for all Officer Grade Staff from 3.3% in 2009 to 7% in the quarter ending March 2015.



The figures also illustrate that in 2014-5 there were a total of 1730 new officer recruits but that 1420 left in the same period, a net increase of only 310. It should be noted that these statistics do not include “early exits”, a rather strange omission. Presumably the attrition rate would be markedly higher if these were included? Elsewhere in their statistical submission, the NOMS figures also illustrate a remaining shortfall in establishments at the end of 2015 of 360 officer grades.

We have already described the effect that uniformed staff shortfalls have on the responsibilities and role of our membership. The reason for emphasising the point here is to dispel the often quoted opinion that there “is no problem with recruitment and retention in NOMS” and, therefore, that pay structures must be sufficiently high enough to avoid recruitment and retention issues. The figures for officers in the paragraphs above prove that

this is not the case, as does NOMS recent initiative to start paying Prison Officer recruits in certain southern locations a premium wage and a retention bonus if they stay for two years.

But how are our own grades affected by recruitment and retention issues? Last year we submitted evidence that at the end of July 2014 there were 8 vacancies for Operational and Senior Operational Managers in NOMS' Kent, Surrey and Sussex area. In October 2015, that figure had grown to 8.5, the vacancies now having been extant for 4 years.

Market placement of NOMS' JES pay bands

Interestingly, and the PGA believes for the first time, one of those vacancies in Kent (for a Band 11 Governor) has been advertised both internally and externally (through a recruitment agency). Despite being externally offered at a higher starting point on the pay scale than one would expect, there were no external expressions of interest for the post. This has resulted in NOMS having to manage move a Governor into the post. A further Band 11 post was similarly advertised internally with no applicants this autumn. Senior Managers continue to leave NOMS both at the earliest opportunity to retire and, in some cases this year, far earlier than expected (despite the commensurate reduction in accrued pension). This all suggests that the entire pay structure of NOMS is pitched too low to allow it to compete in the external market and that without an upwards revalorisation of all the pay bands, both current and future recruitment and retention will suffer, resulting in a major skills shortage at a time when the Minister is likely to be introducing further major reform.

A further complication that prevents NOMS from filling vacancies is their insistence that if you are promoted you are automatically "opted-in" to F&S terms and conditions. As mentioned earlier, we have at least 108 members who, through no fault or choice of their own, cannot opt in as they would lose up to £4,000 local pay allowances. As a consequence, despite a large proportion of these staff being highly experienced and skilled colleagues, they are removed from the field of promotion by the current pay rules.

Another pay related reason for the inability to recruit to certain posts within NOMS' operational environment is the tension between NOMS' Job Evaluation Scheme (JES) having only two pay bands for "in charge" Governors, but five complexities of prison. NOMS initially introduced three complexity levels of prison: Standard, Complex, and Complex & Diverse. This was then supplemented, operationally if not yet in terms of policy, with the introduction of two more complexity levels; Complex & Diverse holding between 1000 and

1300 prisoners, and Complex & Diverse holding more than 1300 prisoners. For Governors in a prison with a lower “degree of difficulty” or complexity there is little incentive to move to more risky command as they are paid the same, and the PGA argues that there should be more bands added to the current JES system to account for this demand. NOMS has appointed a Senior Civil Service grade, a Deputy Director of Custody, to govern the North Wales prison that is currently being constructed in Wrexham and, in so doing, has reinforced our view that there are not enough pay bands at the top of the system to allow our membership to earn more in return for governing more complex and larger prisons.

Our final argument about the need to upwardly revalorise pay for Operational and Senior Operational Managers in NOMS is drawn from “Pay, pensions and reward packages for private custodial service staff”, a research report for the Office of Manpower Economics from Incomes Data Services in March 2015. This report opined that “Remuneration levels in the public sector are either ahead or in line with the private sector up to and including Band 7 (Manager F on the closed scales), **at which point public sector custodial pay significantly falls behind the private sector**”. This is no surprise to the PGA as we have members working in the private sector as well as the public, though it may be a surprise to both NOMS and the PSPRB to see it laid out so clearly. The report continues that “Packages for senior staff are generally more generous in the private sector than in the public sector, including additional benefits such as private medical insurance, a company car and bonuses”, further supporting our argument that the whole of the NOMS pay structure should be upwardly revalorised. We suggested private medical insurance to the PSPRB last year, considering this then as a “spend to save” initiative as it would reduce sick absences, but we were informed that this was not in your gift, but financial reward of a similar amount as this would individually cost (£500-700 per person), and is in your gift. The report also states that in the private sector, “Prison governors (sic) and IRC centre managers receive a status car in all four organisations. Two organisations also provide deputy governors/centre managers with a car and in one of these cases heads of function have a car too. With the exception of deputy governors/deputy centre managers and heads of function working for one firm, those receiving status cars can opt for a cash allowance instead, with allowances ranging from £5,700 to £10,000 a year”. Again, such reward packages are in the gift of the PSPRB.

Perhaps the strongest evidence to support our argument for an increase in total reward package is provided by Table 6 in the report. This is shown below (having removed the grades of staff we do not represent).

Table 6 Benchmark comparison - total reward, Fair and Sustainable

Band/role	Job match	Client basic £pa	Market basic £pa	£ variation	% variation
Band 7 Head of Function	SMT	51,588	55,907	-4,319	-7.7
Band 8 HoF/Deputy Governor	Deputy Director	64,164	78,059	-13,896	-17.8
Band 9 Deputy Governor	Director, LQ	75,925	121,222	-45,297	-37.4
Band 10 Governing Governor	Director, median	93,020	125,864	-32,844	-26.1
Band 11 Governing Governor	Director, UQ	104,511	140,338	-35,827	-25.5

With a total reward package, professionally researched and presented for the first time, it is no surprise that our public sector colleagues feel undervalued in the job market. The four

private companies who participated in this research reported no issues in recruitment and retention – now you know why. Perhaps, too, this explains the disenchantment of public sector governors illustrated in the PGA membership survey where 42.5% of the respondents stated that they are considering leaving if terms and conditions do not improve?

Performance Pay

The earlier table illustrated the level of performance associated with the staff that we represent. We work longer hours, perform to a higher standard and take less sick leave than all other staff. Staff in the closed grades will continue to progress through their increments or receive performance pay bonuses as they remain on contractual pay. It is with those staff on the F&S terms and conditions that we are concerned.

Performance pay in the first two years of F&S has been set at 4% uplift in the open pay ranges. This has encouraged staff to opt in to F&S and also recognised the level of performance associated with our membership. The PGA believes that any award of less than 4% would be counterproductive to the NOMS policy drive to recruit staff in to F&S as it would reinforce any remaining sense of mistrust between the staff we represent and the employer. The pay ranges are set with the expectation that staff progress through them in a shorter timescale than their colleagues on the closed grade increments, and any award less than 4% would also erode this advantage.

The PGA contends that this element of our pay is in recognition of our performance and should not be subject to pay restraint (other than the limited cost of such a payment for so few people being included in the overall NOMS pay increase of 1%). The staff on pay grade maxima often don't receive the full 4% and, like last year, the PGA would ask that pay maxima are increased in F&S to allow performance pay awards to be "real" rather than "notional". An additional bonus of 1% for those on the maximum of their pay scales who achieve an "outstanding" award on their staff appraisal would achieve the same end.

The PGA believes this award is affordable within the overall cost envelope set by the Minister, particularly if there is no pay rise being granted to those staff in the closed grades (other than the 108 of our members mentioned above).

**NOMS / PGA JOINT STATEMENT TO THE PRISON SERVICE PAY REVIEW
BODY (PSPRB) TO PROPOSE AN INCREASE IN THE REQUIRED HOURS
ADDITION (RHA) FOR STAFF IN FAIR AND SUSTAINABLE (F&S) WITH
EFFECT 1 APRIL 2016, AND TO WORK TOWARDS AGREEMENT OF
ELIGIBILITY CRITERIA FOR FUTURE INTRODUCTION OF AN
OPERATIONAL ALLOWANCE OR PAYMENT IN RECOGNITION OF THE ROLE
OF OPERATIONAL MANAGERS AS NOMS FIRST LINE OF OPERATIONAL
RESILIENCE**

1. The agreement reached between NOMS and the PGA in April 2016 contained a commitment to work together towards producing joint evidence to the Review Body on areas where we are able to reach agreement through collective bargaining. One of the issues clearly flagged for discussion was the rate of Required Hours Allowance (RHA) for staff in Fair and Sustainable (F&S) Bands 7/11.
2. NOMS and the PGA are pleased to advise the Review Body that agreement has been reached to submit joint evidence to the Review Body proposing that the current rate of RHA which is payable in F&S Bands 7-11 is increased to 17% (an increase of 2%). The rationale is as follows.
3. At present, operational managers receive a 15% uplift to their pay compared to equivalent grade civil servants/non-operational managers. This element reflects the operational aspect of their work and the rate was set when F&S was introduced in 2012. As further reforms have been introduced and Public Sector Prison staff benchmarks introduced, there are now a smaller number of operational managers. The reduction in operation managers has led to higher spans of control and the need to respond to a higher level of reportable operational incidents. As at June 2015 reportable incidents had doubled since the corresponding period in 2013 and the number of operational managers in post had reduced by 200. The role of operational managers will arguably become even more demanding and uncertain in the months ahead given the critical role they will play in taking forward the Prison reform agenda and the fact that they will be expected to play a greater role in supporting front line resilience. A modest increase in RHA (at a cost of approximately £1.4m) will therefore reinforce and recognise the important role that Governing Governors and

their senior teams will play in leading the reform agenda. NOMS is therefore fully supportive of the PGA request for RHA in F&S Bands 7-11 to be increased to 17% so that it is commensurate with the similar (but not identical) unsocial hours element that is payable to prison officers.

4. It is agreed that the proposed increase in RHA will only apply to staff in the F&S Bands. It will not apply to staff in closed grades in which there are still 316¹ operational managers. An increase in RHA will increase total pay upon assimilation to F&S by around 1.7% when compared to current assimilation arrangements. This is illustrated in cash terms below.

Example of F&S assimilation with 15% RHA compared with assimilation with proposed 17% RHA (Senior Manager B)

Current closed grade pay

Senior Manager B on maximum =	£80,458.00
2% annual non-consolidated payment (£80458 x 2%) =	£1,609.16
Total annual pay (£80458 + £1609.16) =	£82,067.16

Assimilate with 15% RHA

Reduce pay to 37 hour week base (£80458 / 1.15) =	£69,963.48
Apply 2% opt in incentive (£69,963.48 x 1.02 rounded up) =	£71,363.00
Add back RHA at 15% (£71,363 x 15%) =	£10,704.45
Total pay on Band 11 National (£71363 + £10704.45) =	£82,067.45

Total value annual increase in pay (£82067.45 - £82067.16) =	£0.29
Total annual percentage increase in pay =	0.00%

Assimilate with 17% RHA

Reduce pay to 37 hour week base (£80458 / 1.15) =	£69,963.48
Apply 2% opt in incentive (£69,963.48 x 1.02 rounded up) =	£71,363.00
Add back RHA at 17% (£71,363 x 17%) =	£12,131.71
Total pay on Band 11 National (£71363 + £12131.71) =	£83,494.71

Total annual value increase in pay (£83494.71 - £82067.16) =	£1,427.55
Total annual percentage increase in pay (£1427.55 / £82067.45 x 100) =	1.74%

¹ This figure may reduce by as much as 143 if all who would benefit from opt-into F&S in autumn 2015 do so.

5. It is envisaged that this additional incentive will persuade a greater number of operational managers who remain in the closed grades following the autumn 2015 options exercise to opt-in when next given the opportunity in 2016 – and may even bring into scope for the first time some staff who would currently incur a small reduction in total pay upon opt-in.
6. NOMS pay strategy continues to support investment in F&S and as such not awarding an increase in RHA in the closed grades (where in any case it is not paid as a percentage but as a defined cash amount) will ensure that it does not need to apply to all-inclusive senior manager pay. This will prevent an increase for non-operational managers to whom the operational rationale for the increase does not apply.
7. The increase in RHA is also linked to a commitment by the PGA to enter into constructive discussions with NOMS around Operational Managers becoming accredited in Control and Restraint (C&R) and potentially being deployed in this capacity as necessary. C&R accreditation is not a requirement of an operational manager's role at present although it is widely recognised by the PGA that some staff have remained up to date and fully trained. Discussions are continuing to agree the parameters and criteria that would be applied to operational managers to enable operational resilience to be increased and these discussions will include some additional financial remuneration. Both NOMS and the PGA are fully committed to working towards this objective and will update the Review Body as far as possible on progress discussions at their respective oral evidence hearings in November.

Summary

Basic Pay

The PGA membership has suffered a loss in its spending power of over 25% in the last 6 years, a combination of low or no pay rises, inflation and the Cabinet Office's unilateral decision to make our "non-contributory" pension scheme "contributory". For some staff who are financially able to opt in to Fair and Sustainable, this has been a little offset by low pay awards and, for some, progress through the open grades in terms of performance recognition. This year, the PGA repeats its request from last year of a pay award of 5% for all staff on the Fair and Sustainable terms and conditions and for the closed grade staff who are financially unable to opt in to Fair and Sustainable terms and conditions because of Local Pay Allowances. This will go but a little way to addressing the gulf between the **total reward packages of the public sector staff and their private sector colleagues which ranges from 7.7% to 37.4%**. The PSPRB is also asked to consider giving all our membership financial reward/benefits in kind to address the differences in those reward packages such as Private Health Insurance and Company Cars.

Performance Pay

Performance pay for the closed grades is a matter of contractual obligation. For those staff on Fair and Sustainable terms and conditions who receive a rating of "good" on their SPDR, the PGA request a reward of 4% progression through the open pay ranges. For those on the Fair and Sustainable terms and conditions who achieve an "outstanding", an additional consolidated bonus of 1% should be payable. Where these awards would be "capped" at the pay band maxima, those maxima should be increased in order to ensure this reward is delivered in terms of hard cash. The PGA does not request any performance pay award for those staff who achieve a "must improve" rating on their SPDR.

RHA

The PGA spent many hours in discussions with NOMS regarding a joint submission to the PSPRB and concluded an agreement to submit joint evidence on RHA. This agreed position has been included in our submission and requests an increase in RHA for those staff who have opted in to Fair and Sustainable terms and conditions from 15% to 17%.

JES Pay Bands

The PGA requests that the PSPRB directs NOMS to revisit its pay band structure for Governors in charge. Having just two pay bands for these posts is nonsensical and causes stagnation and bed-blocking amongst senior managers who are simply not presented with any incentive to increase the risk they face by taking on the command of a more complex or larger prison.

Market Forces

The PGA contends that the entire NOMS pay band structure requires upwards revalorisation and prevents recruitment into the middle and senior managerial positions in the organisation. This is particularly marked in certain areas of the country, and comparison of the total reward packages available to public and private sector colleagues merely serves to reinforce the view that unless NOMS addresses this issue, they will see a continuing rise in early departures and resignations from the service (42.5% of the membership report themselves as considering other employment if terms and conditions do not improve), leaving behind a skill and knowledge gap that will present enormous difficulties when it comes to formulating and implementing Ministerial reform of the Prison Service in the face of increasing prisoner numbers and reducing operational resources.